

Background Information for Initial Workgroup Meeting
TRI Sectors Expansion Workgroup
7/13/2011

According to the [Action Development Process \(APD\) guidance](#), the goals of this first workgroup meeting are to (1) discuss and reach agreement on a problem statement; (2) set expectations (e.g. schedule, issues, roles, etc.); (3) identify key constituencies; and (4) identify preliminary issues and questions for senior management.

1. Problem statement

With the Toxics Release Inventory (TRI), EPA collects release and other waste management information on a range of toxic chemicals from a range of sectors. EPCRA § 313, the statutory provision creating the TRI, allows EPA to broaden or narrow the scope of TRI's sector coverage "to the extent necessary to provide that each [covered sector] is relevant to the purposes of [EPCRA § 313]." The purposes of EPCRA 313 include informing communities about releases of toxic chemicals to their environment; assisting governmental agencies, researchers, and other persons in the conduct of research and data gathering; aiding in the development of appropriate regulations, guidelines, and standards; and other similar purposes.

(b) (5)

Problem Statement: Is the current scope of TRI sector coverage appropriate, or would modifying the scope further the purposes of EPCRA 313?

2. Expectations

This section contains information regarding the TRI Program's initial thoughts regarding expectations throughout the workgroup process. Specifically, these expectations relate to goals, schedule, process requirements, statutes and executive orders affecting action development, expectations of the chair and members, and anticipated analytic needs.

A. Goals

Our goal is to respond to our problem statement in a timely manner.

B. Schedule

The following table is the NPRM draft schedule currently reflected in RAPIDS. We expect to issue a final rule by late 2013, also reflected in RAPIDS.

ADP Step	Estimated Completion Date
Preliminary Analytic Blueprint	8/23/2011

Early Guidance	9/27/2011
Detailed Analytic Blueprint	12/6/2011
Options Selection	2/7/2012
Drafting Action	4/3/2012
Final Agency Review (FAR)	6/12/2012
OMB Review	10/9/2012
Administrator Signature	12/4/2012
Publication in Federal Register	1/4/2013

C. Process Requirements

We will be complying the process requirements outlined in the ADP guidance. This includes all steps reflected in the above schedule, as well as parallel steps to ensure we comply with requirements regarding federalism, environmental justice, small entities, etc. We will provide more details regarding these requirements in the future, though workgroup members are welcome to review the relevant guidance documents included in the ADP library. The ADP Library Homepage can be found here - <http://intranet.epa.gov/actiondp/index.htm>

D. Statutes and Executive Orders Affecting Action Development

Source of Authority – The source of authority for this action comes from EPCRA 313(b)(1)(B), which states in full, “The Administrator may add or delete Standard Industrial Classification Codes for purposes of subparagraph (A), but only to the extent necessary to provide that each Standard Industrial Code to which this section applies is relevant to the purposes of this section.”

Other Relevant Statutes and EOs – Here is an ADP Library site that contains a list of the S&EOs that rule writers must address in the "Statutory and Executive Order Review" section of their preambles, or that otherwise influence the rulemaking process – <http://intranet.epa.gov/actiondp/statutes/index.htm>.

E. Expectations of Chair and Members

F. Anticipated Analytic Needs

Much of our analytic work has been completed, but we have a technical directive in place with a contractor to have additional analytic work done. We believe the bulk of our remaining analytic needs pertain to drafting the Economic Analysis.

3. Key Constituencies

- Industry
- EJ groups
- Envntl and community groups
- Academic institutions
- Local govts, States, and the Federal govt

- Tribes

4. Preliminary Issues and Questions for Senior Management

We are still in the process of identifying all issues and questions for senior management. Included in the briefing attached the first Workgroup meeting invite there are issues highlighted for each sector.